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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking To
Continue Implementation and
Administration, and Consider Further
Development, of California Renewables
Portfolio Standard Program.

Rulemaking 18-07-003

**ASSIGNED COMMISSIONER AND ASSIGNED
ADMINISTRATIVE LAW JUDGES' RULING IDENTIFYING
ISSUES AND SCHEDULE OF REVIEW FOR 2021 RENEWABLES
PORTFOLIO STANDARD PROCUREMENT PLANS**

Summary

Pursuant to the authority provided in Public Utilities (Pub. Util.) Code § 399.13(a)(1),¹ today's Ruling identifies the 2021 Renewables Portfolio Standard (RPS) Procurement Plan filing requirements for all retail sellers of electricity and sets a schedule for the Commission's review of the 2021 RPS Procurement Plans (RPS Plans).

¹ Pub. Util. Code § 399.13(a)(1) orders the Commission to "direct each electrical corporation to annually prepare a renewable energy procurement plan... to satisfy its obligations under the renewables portfolio standard" as well as "require each electrical corporation to review and update its renewable energy procurement plan... The commission shall require all other retail sellers to prepare and submit renewable energy procurement plans..." All subsequent code section references are to the Public Utilities Code unless otherwise indicated.

The definition of “retail seller” in Pub. Util. Code § 399.12(j) includes the electrical corporations, as defined in Pub. Util. Code § 218, community choice aggregators (CCAs),² and electric service providers (ESPs).³

This Ruling sets forth June 1, 2021, as the date to submit the draft 2021 RPS Plans to the Commission. Attachment A of this Ruling provides a procedural schedule for the 2021 RPS Plans. 2021 denotes the year of filing RPS Plans with the Commission, but RPS Plans are forward-looking. Pursuant to Decision (D.)17-06-026, new RPS compliance rules began with the compliance period from January 1, 2021.⁴ The 2021 RPS Plan filings should inform the Commission of the retail seller’s activities and plans to procure 65 percent of RPS resources from long-term contracts of 10 or more years for all compliance periods beginning January 1, 2021. Additionally, Senate Bill (SB) 100 (de León, 2018) has increased the RPS to 60 percent by 2030 and established a goal for 100 percent of the State’s electricity to come from renewable and carbon-free resources by 2045. The RPS Plans should demonstrate that the retail seller’s efforts align with the State’s RPS goals.

For procedural efficiency, all 2021 RPS Plans must follow the consistent numbering convention, as outlined in Table 1 to draft the 2021 RPS Plans.

² Pub. Util. Code § 399.12(j)(2) states that “A community choice aggregator shall participate in the renewables portfolio standard program subject to the same terms and conditions applicable to an electrical corporation.”

³ Pub. Util. Code § 399.12(j)(3) states that “The electric service provider shall be subject to the same terms and conditions applicable to an electrical corporation pursuant to this article.”

⁴ D.17-11-037 modified D.17-06-26 to adopt an exclusion for PacifiCorp and Liberty Utilities, which do not operate in a California Balancing Authority (Non-CBA Utilities). Non-CBA utilities are authorized to follow the framework adopted in D.12-06-038 regarding excess procurement, regardless of their ability to procure portfolio content category 1 renewable energy credits.

Additionally, at the time of filing, the 2021 RPS Plan must be accompanied by an officer verified checklist using the uniform template specified in Attachment B. The ESPs subject to this Ruling are identified in Attachment C.

The electrical corporations subject to this Ruling are Pacific Gas and Electric Company (PG&E), Southern California Electric Company (SCE), San Diego Gas & Electric Company (SDG&E), PacifiCorp, Bear Valley Electric, and Liberty Utilities (CalPeco) LLC. All current CCAs and any CCA that intends to serve customers in 2021 and beyond are subject to this Ruling (Attachment D). CCAs that have submitted Implementation Plans to serve load after 2021 are also required to file a 2021 RPS Plan.

This Ruling follows the format of past Rulings initiating the annual RPS procurement process, with refinements to incorporate lessons learned from previous RPS Plan submissions and the changes due to the current market and regulatory conditions. Consistent with Pub. Util. Code §§§ 399.13(a), 399.13(b) and 399.13(c) and the requirements in Senate Bill (SB) 350 (De León, Stats. 2015, ch. 547) (SB 350) and SB 100 (De León, Stats. 2018, ch. 312) (SB 100), which extend, increase, and modify RPS procurement rules, the Commission will issue a decision on the proposed RPS Plans by the end of the year.⁵ For CCAs and ESPs, the Commission's decision will determine if the RPS Plans comply with this Ruling and the requirements of Pub. Util. Code § 399.13.

⁵ Pub. Util. Code § 399.13(c) states that "The commission shall review and accept, modify, or reject each electrical corporation's renewable energy resource procurement plan prior to the commencement of renewable energy procurement pursuant to this article by an electrical corporation. The commission shall assess adherence to the approved renewable energy resource procurement plans in determining compliance with the obligations of this article."

1. General Requirements for 2021 RPS Procurement Plans

In Decision (D.) 12-11-016, the Commission refined the Renewables Portfolio Standard (RPS) procurement process as part of its implementation of SB 2 (1X) (Simitian, Stats. 2011, ch.1). In 2015, SB 350 increased the RPS procurement requirement and modified the RPS procurement rules. The Commission issued D.17-06-026 implementing SB 350's requirement that, beginning January 1, 2021, at least 65 percent of the procurement a retail seller counts toward the RPS requirement of each compliance period shall be from its contracts of 10 years or more in duration or ownership or ownership agreements for eligible renewable energy resources.⁶ SB 100 has accelerated RPS requirements to 60 percent retail sales from eligible renewable resources by 2030 and a planning goal of 100 percent of the State's electricity to come from carbon-free resources by 2045.

Consistent with statutory requirements and the Commission's decisions, the investor-owned utilities (IOUs), community choice aggregators (CCAs), and electric service providers (ESPs) must comply with the requirements outlined in Section 5 of this Ruling. Small and multi-jurisdictional utilities (SMJUs) are subject to a subset of the requirements, as described in Sections 2 and 3 of this Ruling.

Attachment A sets the procedural schedule for the Commission's review of the 2021 RPS Plans. Updates to the filed 2021 RPS Procurement Plans (RPS Plans) may be provided consistent with the schedule at Attachment A.

⁶ D.17-06-023, Ordering Paragraph 2.

Table 1 is the template to be used for 2021 RPS Plans. All RPS Plans must be filed using a completed checklist, as shown in Attachment B.

2. Multi-Jurisdictional Utilities with 60,000 or Fewer Customers (Subject to Public Utilities (Pub. Util.) Code § 399.17)

RPS procurement requirements for multi-jurisdictional utilities and their successors allow these utilities to meet their RPS procurement obligations without regard to portfolio content category limitations in Pub. Util Code § 399.16.⁷

PacifiCorp is permitted to use an Integrated Resource Plan (IRP) prepared for regulatory agencies in other states to satisfy its annual California RPS Plan requirement so long as the IRP complies with the requirements specified in Pub. Util. Code § 399.17(d). PacifiCorp prepares its IRP on a biennial schedule, filing its plan with the Commission in odd-numbered years. It will file a supplement to this plan in 2021.

As required by D.08-05-029, PacifiCorp must file and serve its IRP in Rulemaking (R.) 06-05-027 or its successor proceeding. Pursuant to D.11-04-030, in years that PacifiCorp does not file an IRP, a comprehensive supplement to its IRP is filed. The supplemental filing includes an analysis of how the IRP and supplement comply with the requirements in § 399.17(d). PacifiCorp filed its comprehensive Off-Year supplement in 2020; therefore, it will file its IRP On-Year supplement in 2021. PacifiCorp's On-Year supplement shall provide the information required in Sections 5.1-5.12 and 5.14-5.15 of this Ruling.

⁷ Pub. Util. Code § 399.17(b) defines PacifiCorp as a multi-jurisdictional utility for RPS purposes. Liberty Utilities (CalPeco) LLC is a successor entity under § 399.17 and not a multi-jurisdictional utility because it has customers only in California.

Liberty Utilities (CalPeco) LLC will prepare an RPS Plan subject to the same requirements as a small utility under § 399.17.

3. Small Investor-Owned Utilities with Fewer than 30,000 Customers (Subject to Pub. Util. Code § 399.18)

§ 399.18(b) addresses small IOUs with less than 30,000 customers and allows compliance with the RPS procurement obligations without regard to the portfolio content category limitations in § 399.16.

A small utility must file an RPS Plan according to § 399.13(a)(6), tailored to account for the low RPS procurement requirement and the limited resources of a small utility.

Accordingly, Bear Valley Electric Service (BVES) shall prepare the RPS Plan providing the information required in Sections 5.1-5.12 and 5.14-5.15 of this Ruling.

4. ESPs and CCAs

SB 350 modified the RPS Plan filing requirements for ESPs and CCAs to be consistent with § 399.13(a)(6).⁸ Accordingly, each ESP and CCA must file a proposed RPS Plan that complies with all Sections of this Ruling.

The CCAs play an increasingly significant role in meeting state Greenhouse Gas (GHG) reduction goals. By 2022, CCAs and ESPs will serve 54 percent of the load in California's three IOU service territories.⁹ Therefore, it is essential for planning purposes that the Commission is fully informed of all procurement across the State.

⁸ See Pub. Util. Code § 399.13(a).

⁹ Data is derived from the CEC's modified Integrated Energy Policy Report for 2021 and forecast data from CCA Implementation Plans certified by the Commission, including CCAs that have not yet begun serving load. The data shows that by 2022, IOU load will have departed to CCAs and ESPs in the following percentages by: PG&E: 67%; SCE: 40%; SDG&E: 69%.

In D.19-02-007 the Commission directed CCAs and ESPs to “include more granular information regarding planning” to demonstrate that they will comply with the RPS requirements, including imminent sharp increases in long-term procurement requirements.”¹⁰

This Ruling directs the CCAs and ESPs to include RPS information in their 2021 RPS Plans in response to Pub. Util. Code § 399.13(a)(6)¹¹ and previous CPUC decisions.¹² Reporting this information will provide the Commission, the Legislature, and the public with a complete picture of the State’s RPS program to support electric reliability as the state heads toward 100% zero-carbon energy. For the State to fully understand the impact of procuring zero-carbon resources, CCAs and ESPs should also include cost information in their RPS Plans, in the same manner as covered by the IOUs, and as described in Section 5.14.¹³

All new CCAs and ESPs must file RPS Plans when they register with the Commission or 90 days before the commercial operation, whichever is first.¹⁴ Accordingly, all new registering CCAs and ESPs should file their RPS Plans with the Commission at the time of registration and provide service of their RPS Plan to the RPS Service List.

In D.13-11-024, the Commission gave guidance on the applicability of a motion for provisional waiver from filing future RPS Plans.

¹⁰ D.19-02-007 at Ordering Paragraph 19.

¹¹ Section 399.13(a)(6) requires information on: renewable supply and demand, compliance delays, solicitations to procure renewable energy, project development status updates, price adjustment mechanisms, and project failure risk.

¹² RPS Decisions can be accessed at: www.cpuc.ca.gov/rps_decisions_proceedings

¹³ And see, Section 913.3 requiring the Commission to report “the costs of all electricity procurement contracts for eligible renewable resources”

¹⁴ D.17-12-007 at Ordering Paragraph 4.

For retail sellers that stop serving load, we want to streamline the process when they decertify or deregister during an RPS Plan filing cycle.¹⁵ CCAs and ESPs, listed in Appendix C and D, shall file a motion for exemption from filing final RPS Plans and future filings in the proceeding if they decertify or deregister at the Commission before the Commission issues a proposed decision (PD). The exemption motion shall inform the Commission on the retail seller's future status and the preliminary RPS Compliance report for any compliance period that it served load and for which compliance has not been determined. Proper notification in the proceeding will allow the Commission to consider whether a Final RPS Plan is required or not and decide whether it is subject to future RPS requirement compliance and actions.

The Commission will reject RPS Plans from a retail seller that does not provide adequate details on the required information.¹⁶ A retail seller that does not comply with RPS Plans' requirements may be subject to fines pursuant to a citation program adopted by the Commission or existing statutory provisions.¹⁷

5. Specific Requirements for 2021 RPS Plans

The 2021 RPS Plans should comply with the requirements set out in this section of the Ruling. Table 1 summarizes the RPS Plan sections that each retail seller must comply with within its filing.

An officer must verify the 2021 RPS Plan using the uniform template in Attachment B. The retail seller must complete the checklist to confirm that all

¹⁵ To "decertify" or "deregister" is when a retail seller is not registered with the Commission to serve retail load.

¹⁶ In D.19-12-042 (at Ordering Paragraph 6 and Ordering Paragraph 15) the CPUC rejected several retail sellers' 2019 RPS Plans for insufficient or incomplete information.

¹⁷ See Pub. Util. Code Sections 2101-2105, 2107, 2108 and 2114.

sections are correctly addressed. The checklist will ensure consistency and completeness at the time of filing.

Details on the RPS Plan quantitative templates are on the Commission's RPS website. Energy Division Staff will hold a webinar to discuss any outstanding questions from retail sellers related to the templates and 2021 RPS Plans requirements by May 10, 2021.

The RPS Plans must include all information required by statute and as specified in this Ruling, including quantitative analysis supporting the retail seller's assessment of its portfolio and future procurement decisions. Narrative explanations should help explain the quantitative analysis. Responses to Section 5.8 shall be provided in a numerical/quantitative format to support the written responses to Sections 5.4, 5.5, 5.7, and 5.9. The RPS Plans' information should be non-confidential, to the greatest extent possible, and well supported with underlying assumptions, references, and citations.

When filed with the Commission, each proposed 2021 RPS Plan must achieve the following:

1. To ensure compliance with Table 1, all RPS Plans must be accompanied by a Checklist provided in Attachment B.
2. Describe the overall plan for procuring RPS resources to satisfy the RPS program requirements while minimizing cost and maximizing value to customers, as well as demonstrating how retail sellers comply with direction for RPS planning in SB 350, SB 100, and SB 901 (Dodd, Stats. 2018, ch. 626). This includes, but is not limited to, any plans for building retail seller-owned resources, investing in renewable resources, and engaging in the sales of RPS eligible resources.
3. The various aspects of the RPS Plan themselves must be consistent. For instance, the bid solicitation protocol documents should be consistent with any statements and

calculations regarding a retail seller's renewable net short position.¹⁸

4. The plans should be thorough in describing and addressing procurement and sales of RPS eligible resources that demonstrate reliability and align with the State's policy goals. The RPS Plan format requires responses that provide both summaries and the detailed descriptions necessary to understand how a retail seller's planning and procurement strategies address state goals and satisfy statutory requirements. For the IOUs, the Commission may accept or reject proposed contracts based on consistency with the approved plan, including any calculation of RPS procurement net short position.¹⁹
5. All retail sellers should follow the format and numbering convention directed in Table 1. Uniform format and templates will enable parties, bidders, and the Commission to easily access, review and compare the RPS Plans. All sections should be numbered in the same way, without skipping any sections for ease of Commission review.

¹⁸ As of the date of this Ruling, the methodology can be found in the May 21, 2014 Ruling, Administrative Law Judge's Ruling on Renewable Net Short, issued in R.11-05-005.

<http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M091/K331/91331194.PDF>

¹⁹ Pub. Util. Code § 399.13 (d).

Table 1
Summary of Requirements for 2021 RPS Procurement Plans

	Large IOUs	Subject to §§ 399.17 & 399.18	ESPs and CCAs
I. Major Changes to RPS Plan	X	X	X
II. Executive Summary	X	X	X
III. Summary of Legislation Compliance	X	X	X
IV. Assessment of RPS Portfolio Supplies and	X	X	X
IV.A Portfolio Supply and Demand	X	X	X
IV.A.1 Portfolio Optimization	X	X	X
IV.B Responsive to Local and Regional Policies	X	X	X
IV.B.1 Long-term Procurement	X	X	X
IV.C. Portfolio Diversity and Reliability	X	X	X
IV.D Lessons Learned	X	X	X
V. Project Development Status Update	X	X	X
VI. Potential Compliance Delays	X	X	X
VII. Risk Assessment	X	X	X
VIII. Renewable Net Short Calculation	X	X	X
IX. Minimum Margin of Procurement (MMoP)	X	X	X
IX.A MMoP Methodology and Inputs	X	X	X
IX.B MMoP Scenarios	X	X	X
X. Bid Solicitation Protocol	X	X	X
X.A Solicitation Protocols for Renewables Sales	X	X	X
X.B Bid Selection Protocols	X	X	X
X.C LCBF Criteria	X	X	X
XI. Safety Considerations	X	X	X
XII. Consideration of Price Adjustments	X	X	X
XIII. Curtailment Frequency, Forecasting, Costs	X		X
XIV. Cost Quantification	X	X	X
XV. Coordination with the IRP Proceeding	X	X	X
Appendix A: Redlined Version of the Draft 2021	X	X	X

5.1. Plan Section I: Summary of RPS Major Changes

Major changes refer to actual substantive changes between the 2020 and 2021 RPS Plans, including but not limited to new RPS-eligible procurement, updated risk mitigation strategies, and changes in Minimum Margin of Procurement (MMoP).²⁰ Retail sellers must describe the significant changes and not only reprint the two plans with strike-out and underlined inserts. Instead, the section should explain each significant change from 2020 to 2021 and the reason for the change.

If a CCA did not submit an RPS Plan in 2020, it must include any differences between its previously certified CCA Implementation Plan and the proposed 2021 RPS Plan.

5.2. RPS Plan Section II: Executive Summary – Key Issues

All filings should include a high-level summary of the key issues discussed in the RPS Plans. Potential key issues could consist of but are not limited to service expansions, outcomes of solicitations for RPS resources, and contracts for RPS resources executed within the last calendar year. Additionally, retail sellers should summarize their specific requests for which they are seeking Commission authorization and reference the section for the detailed explanation.

5.3. RPS Plan Section III: Compliance with Recent Legislative Impact on Regulatory Changes

This section should summarize how a retail seller's proposed RPS Plan complies with relevant legislation, such as SB 350, SB 100, and SB 901. Retail sellers should not write a general summary of the legislative requirements.

²⁰ Retail sellers are not required to provide editorial summaries of the changes from 2020 to 2021. Instead, this table should identify the major substantive modifications that significantly differ in 2021 relative to the 2020 plans approved in D.21-01-005.

Instead, they should specify how its planned renewable energy procurement comports with the State's orders and guidelines and advances the retail seller's compliance with legislative mandates. Retail sellers shall also provide information on any RPS related current or future legislative efforts they plan to support.

5.4. RPS Plan Section IV: Assessment of RPS Portfolio Supplies and Demand - § § 399.13(a)(6)(A), 399.13(b), Compliance to D.17-06-026 Implementing SB 350's Requirement for Long-Term Procurement

As a forward-looking document, the RPS Plan should explain planning for current and future years, with significant focus and details for how 2021 procurement efforts will impact a retail seller's long-term procurement requirements for current and upcoming compliance periods. The Commission will carefully review how retail sellers plan to meet the 65 percent procurement to be derived from long-term contracts of 10 or more years in the 2021 RPS Plans, including any potential risks of failing to meet this requirement and a retail seller's plans to apply excess procurement in one compliance period to later compliance periods.²¹

§ 399.13(a)(6)(A) provides that the renewable energy procurement plan shall include an assessment of annual or multiyear portfolio supplies and demand to determine the optimal mix of eligible renewable energy resources with deliverability characteristics that may consist of peaking, dispatchable, baseload, firm, and as-available capacity.

Accordingly, all retail sellers must provide a written assessment of their annual and multi-year portfolio supply and demand concerning RPS

²¹ See D.17-06-026.

requirements, the RPS program, and the RPS program's overall goals to determine the retail seller's optimal mix of eligible renewable energy resources.

Retail sellers who have not yet begun to serve load must describe their planned procurement forecast for the 2022 procurement cycle. The information from retail sellers will help determine their preparedness to serve load in a manner that will reliably meet RPS goals.

IV.A. Portfolio Supply and Demand: At a minimum, the assessment should be completed for all years through 2030 with a near-term planning horizon that accounts for both portfolio supply and demand. This written description must include the retail seller's need for RPS resources with specific deliverability characteristics (*e.g.*, peaking, dispatchable, baseload, firm, and as-available capacity) and any additional factors, such as curtailment rights, operational flexibility. The retail seller's RPS Plan must also explain how the quantitative analysis provided in response to Section 5.8 of the ACR supports the assessment. Lastly, it should describe how procurement or sales planned for the period covered by the 2021 RPS Plans is consistent with the evaluation of supply and demand.

IV.A.1. Portfolio Optimization: All retail sellers should describe how they are planning to optimize portfolios. Portfolio Optimization descriptions should include policies, goals, strategies, solicitations, and coordination efforts across CPUC program requirements and retail sellers.²²

²² Following issuance of a decision on Portfolio, retail sellers should incorporate how the Commission's guidance and orders in that proceeding align with the retail seller's proposed procurement activities in its RPS plan. If the PCIA decision is issued in April 2021 or later, this requirement shall take effect for the 2022 RPS Plans.

IV.B. RPS Plan Responsiveness to Local and Regional Policies: All retail sellers should explain how their RPS Plan comports with their respective local and regional policies. For example, retail sellers should describe the local and regional policies that have influenced their RPS procurement quantities, generation attributes, bid selection criteria, and a planning horizon through 2030. For many retail sellers, this may include consideration of regional climate action plans, air quality district plans, transportation plans, and land use plans, among others. Also, retail sellers should describe whether any unique regional attributes impact RPS Plan development (*e.g.*, If a CCA has established goals that exceed State's RPS mandates or an IOU is addressing once-through cooling retirements). Retail sellers should include information on their strategies and planning mechanisms to achieve those goals through their RPS procurement activities.

IV.B.1. Long-term Procurement: RPS Plans should demonstrate how they are meeting the requirement set out in D.17-06-026 that 65 percent of each retail seller's procurement counted towards the RPS requirement be from contracts (or ownership or ownership agreements) with term lengths of 10 years or more in duration.

The long-term contracting of at least ten years gives developers a certainty to finance new renewable energy projects, ensure reliability, and avoid system shortfalls. The CPUC encourages early planning on long-term procurement to hedge for delays in project development for new renewable build and potential project performance issues. Inadequate long-term procurement planning can impact the risk profile of a retail seller's portfolio and the State achieving its renewable mandates. Retail sellers should consider the risk that an eligible renewable energy resource will not be built, or that construction will be delayed,

with the result that electricity will not be delivered as required by the contract. Retail sellers should describe how the need to minimize compliance risks and project delays informs their long-term procurement planning decisions. RPS Plans should include a detailed timeline for how retail sellers plan to ramp up from the previous long-term contracting requirement of 0.25 percent to the current 65 percent long-term procurement requirement.

IV.C. Portfolio Diversity and Reliability: Resource diversity can support reliability by ensuring that renewable procurement complements system needs. All retail sellers should describe (1) how their renewable procurement decisions consider portfolio diversity and (2) how planned RPS portfolio diversity would contribute to grid reliability in a planning horizon through 2030. The retail sellers must also explain how their proposed renewable energy portfolio will align with expected load curves and durations, as well as how it optimizes cost, value, and risk for customers. The diversity assessment should also identify and incorporate impacts of overall energy portfolio and system requirements (e.g., reliability, not just RPS portfolio requirements). The written description should explicitly and specifically address, both qualitatively and quantitatively, how the retail seller determines its portfolio diversity to address issues of renewable integration, new resource development risks, under-utilization of existing RPS-eligible generation, increases in transportation electrification, and maximizing ratepayer value. Retail sellers should address how they are considering advanced emerging technologies such as hybrid battery storage, offshore wind, or other emerging technologies. If retail sellers are not considering advanced emerging technologies, their diversity assessment should explain why.

IV.D. Lessons Learned: For all retail sellers, the supply and demand assessment should describe and incorporate RPS lessons learned, including RPS trends and future trends.

New CCAs and ESPs are not exempt from this section and should look to lessons learned across other retail sellers to demonstrate how they will mitigate risk. For *example*, retail sellers can look to previous lessons learned reported by other retail sellers on RPS procurement activities such as, but not limited to, coordination on joint procurement, long-lead planning, and ratable procurement. It is insufficient to state that a retail seller has not yet learned any lessons, as all retail sellers should be engaged in prudent and proactive risk mitigation to ensure its customers receive safe and reliable electric service. Descriptions for lessons learned should address, at a minimum, risk assessment, procurement planning, and approaches to long-term procurement.

5.5. RPS Plan Section V: Project Development Status Update - § 399.13(a)(6)(D)

Current CPUC forecasts show a need for developing new renewable resources to meet system needs, RPS requirements, and greenhouse gas goals.²³ Accordingly, all retail sellers should provide a narrative describing how they are on track to address these goals. Retail sellers should use the Project Development Status Update template to report development status updates for all RPS-eligible resources currently under contract (or retail seller-owned) but not yet delivering generation.²⁴

²³ See D.20-03-028 for more information on the adopted Reference System Portfolio for the 2019-2020 IRP cycle.

²⁴ The Project Development Status Update template is posted on the CPUC's RPS website: http://cpuc.ca.gov/Utility_Scale_RFO/

This status update should include all projects that have been contracted but are not, however, online and should differentiate projects based on whether they are in the pre-construction, construction, or post-construction development phase.

The data should include at a minimum:

1. names of new facilities contracted with;
2. capacity procured;
3. length of contract;
4. facility location;
5. commercial online date;
6. technology type;
7. contract start and end dates;
8. expected annual generation;
9. total contract volume; and
10. status of any required new transmission line or transmission upgrades for each facility.

The status updates must also be reflected in the quantitative analysis in RPS Plan Section V. Given this analysis, retail sellers should explain how their project development updates will impact their RPS net short and its procurement decisions for the next two years and on a planning horizon through 2030.

**5.6. Plan Section VI: Potential Compliance Delays -
§ 399.13(a)(6)(B)**

In this section, retail sellers should describe in a narrative form any potential issues that could impact their RPS compliance including any related project development delays, reduced generation, and compliance delays.

Potential issues could include, but are not limited to:

- inadequate transmission capacity;
- permitting delays;
- insufficient eligible renewable energy resources supply;
- unanticipated curtailment; and
- unanticipated increase in retail sales.

Retail sellers should describe the steps taken to account for and minimize these potential compliance delays. The potential compliance delays included in the written description must be reflected in the quantitative analysis provided in RPS Plan Section VIII. Given this analysis, discuss how the potential compliance delays will impact the retail seller's RPS net short, progress towards 65 percent long-term procurement, and its procurement decisions. If the retail seller does not anticipate any potential compliance delays, justify using the information reported in RPS Plan Sections IV and VII to support the narrative.

**5.7. RPS Plan Section VII: Risk Assessment -
§ 399.13(a)(6)(F)**

§ 399.13(a)(6)(F) provides that the renewable energy procurement plan shall include an assessment of the risk that an eligible renewable energy resource will not be built or that construction will be delayed, with the result that electricity will not be delivered as required by the contract.

Compliance Risk: Provide a written assessment of the RPS portfolio risk concerning RPS compliance requirements.

Potential risks to consider but not limited to are developer, permitting, transmission development, supply chains, and financing. Retail sellers should address how the risks could impact achieving the long-term procurement requirement and overall RPS requirements. The retail seller's risk assessment results must be provided in the written description and must be reflected in the quantitative analysis provided in response to RPS Plan Section VIII.

Risk Modeling and Risk Factors: Retail sellers should provide details of the modeling and model(s) used (e.g., deterministic, stochastic.)²⁵ to conduct annual risk assessments of their entire RPS portfolio-specific inputs and assumptions to their risk assessment model. This assessment should evaluate a range of risk factors, such as those described above regarding compliance delays, as well as, but not limited to, the following:

- lower than expected generation;
- load departure/growth;
- variable generation;
- resource availability (e.g., biofuel supply, water, etc.).

System Reliability: Risk assessment of portfolio and RPS Plan should also address overall system reliability, considering how the retail seller's portfolio supports or undermines system reliability and impacts on eligible renewable energy resource projects currently under contract.

Lessons Learned: Retail Sellers should include a discussion of lessons learned in assessing RPS portfolio risk, including how other Retail Sellers' risk

²⁵ Examples of two different approaches to risk modeling include deterministic models for expected and standard variabilities (e.g. project failure rates and expected project delays) and stochastic models for uncertain variabilities (e.g. retail sales fluctuations, project failure rates, curtailment, RPS generation variability).

assessments have been used to guide the risk assessments of those with less experience serving retail load.

Responses will be deemed deficient if they state the retail seller has no risks or that they only acknowledge that risk exists, and they will monitor their respective renewable projects. A thorough risk assessment should include a historical understanding of lessons learned, considering current trends and forecasts, as well as utilizing probabilistic and statistical models that ascertain what could occur.

5.8. RPS Plan Section VIII: Renewable Net Short Calculations - §§ 399.13(a)(6)(A), (D), and (F)

Retail sellers should provide a narrative to support the analysis provided in RPS Plan Section VII that describes how the risk assessment will impact the retail seller's RPS net short and its procurement decisions. The retail sellers must complete their portfolio assessment for their long-term and short-term contracts through 2030. The responses must be clear regarding the quantitative progress made towards RPS requirements and the specific risks to the retail sellers' RPS Procurement Portfolios.

The responses should also provide quantitative data, methodologies, and calculations the retail seller relied upon to assess the retail seller's RPS portfolio needs and RPS procurement net short. This quantitative analysis must consider the relevant qualitative discussion in RPS Plan Section VII. Any RPS-eligible

procurement that has or will occur outside of the RPS program should also be included.^{26 27}

Retail sellers must complete the quantitative response based on the most recently directed renewable net short (RNS) methodology Ruling, following the Ruling's instructions for data input in Appendix B (Table 8).²⁸ The quantitative response must be provided in the Excel spreadsheet template that is posted on the RPS website.²⁹ As outlined in the RNS Ruling, retail sellers must use their internal risk analyses to make appropriate adjustments to their procurement and explain how this mitigates risk on all projects in their respective RPS portfolios. Retail sellers should provide a narrative of how the results of their risk assessments described in Section VII of their 2021 RPS Plans have been incorporated into their 2021 RNS calculations.

**5.9. Section IX: "Minimum Margin" of Procurement -
§ 399.13(a)(5)(D)**

Retail sellers shall define in their proposed 2021 RPS Plans a minimum margin of over-procurement (MMoP) assumed above the minimum procurement level. The minimum margin of over-procurement is necessary to comply with the RPS program's requirement for retail sellers to mitigate the risk that

²⁶ For *example*, RPS-eligible procurement to replace generation from the retired San Onofre Nuclear Generation Station that will be applied towards RPS requirements should be included.

²⁷ Retail Sellers must distinguish RPS-eligible procurement between online generation and RPS facilities in development when calculating their RPS net short. Please refer to the Administrative Law Judge's (ALJ) May 21, 2014 Ruling, ALJ's Ruling on Renewable Net Short, issued in R.11-05-005.

²⁸ As of the date of this Ruling, the methodology directed in the ALJ's May 21, 2014 Ruling, ALJ's Ruling on Renewable Net Short, issued in R.11-05-005, is the most recent renewable net short methodology.

²⁹ The RNS template is provided on the CPUC's RPS procurement website: http://cpuc.ca.gov/Utility_Scale_RFO/.

renewable projects under contract are delayed or terminated. MMoP must be reflected in retail sellers' risk-adjusted RPS eligible procurement provided in the quantitative response in RPS Plan Section VIII. Retail sellers must define their criteria and provide a rationale for why its proposed minimum margin is reasonable.

IX.A. Minimum Margin Methodology and Inputs: Draft 2021 RPS Plans for all retail sellers shall include both a narrative and quantitative description of their risk-adjusted portfolio methodology and inputs required to inform a retail seller's proposed MMoP. While retail sellers may develop their own MMoP methodology, retail sellers must demonstrate that the methodology is representative of and consistent with the retail seller's inputs, assumptions, and risk assessment in RPS Plan Sections IV through VII. The resulting assessment should be used to calculate the retail seller's procurement needs pursuant to the quantitative information reported in RPS Plan Section VIII. The MMoP process is intended to identify risk, and arbitrary quantifiers such as expected excess procurement or policy goal forecasts should not be used. Additional forecasted procurement beyond the identified risk associated with the MMoP, including excess procurement, should be identified as voluntary margin of over-procurement (VMoP).³⁰

IX.B. Minimum Margin Scenarios: Describe any sensitivities or scenarios used to calculate the proposed margin of over-procurement for the 2022 procurement cycle and RPS Compliance Period 4 (2021-2024).

³⁰ See Appendix B of the ALJ's May 21, 2014 Ruling, ALJ's Ruling on Renewable Net Short, issued in R.11-05-005. Voluntary Margin of Over-Procurement (VMoP) includes that margin of over-procurement to account for additional project/forecasting risk above a utility's projected risk-adjusted project failure rate in a given compliance year.

If the retail seller's assumed minimum margin of over-procurement is not used in calculating a retail seller's net short provided in response to RPS Plan Section VIII, then the retail seller's RPS Plan will be rejected.

Reasons and assumptions should be supported with quantitative information and should explain the implementation timeline for meeting higher-than-mandated renewable energy goals.

5.10. RPS Plan Section X: Bid Solicitation Protocol, Including Least-Cost Best-Fit (LCBF) Methodologies - § 399.13(a)(6)(C), D.04-07-029, D.11-04-030, D.12-11-016, D.14-11-042, and D.16-12-044

Pursuant to § 399.13(a)(6)(C), 2021 RPS Plans must include a bid solicitation protocol setting forth the need for eligible renewable energy resources of each deliverability characteristic, required online dates, and locational preferences, if any.

Solicitations shall be consistent with the portfolio supply and demand assessment provided in Section IV and the retail seller's renewable net short position in Section 8. Additionally, solicitations should be specific regarding what quantity of products are being requested (or offered) and the required deliverability characteristics, online dates, term lengths, and locational preferences. Retail sellers should describe whether they are participating in joint solicitations with other retail sellers, and this information should be consistently reported across all relevant retail sellers' RPS Plans for accuracy and easy comparison.

X.A. Solicitation Protocols for Renewables Sales: If selling eligible renewable energy products is part of a 2021 RPS Plan, then a solicitation protocol setting forth this process should also be included. Each IOU should include a framework for determining the quantity of RPS volumes to sell in each

solicitation, the target price, and the price floor. The IOUs should also include a section on lessons learned from its sale of excess RPS volumes authorized under its 2020 RPS Plans.

X.B. Bid Selection Protocols: The bid solicitation protocols for procuring and selling should include an overview of the solicitation process, a solicitation schedule, and pro forma agreement(s). All retail sellers should include a detailed description of their bid selection process and evaluation methodology, which should be consistent with D.04-07-029, D.11-04-030, D.12-11-016, D.14-11-042, and D.16-12-044. Retail sellers stated bid selection criteria should align with all sections of their RPS Plan, especially regarding stated needs, goals, and preferences retail seller.

Retail sellers should describe how their solicitations and procurement decisions will give preference to renewable energy resources located in specific communities, such as those identified as disadvantaged communities, pursuant to Pub. Util. Code § 399.13(a)(8).³¹

For IOUs, if a renewable auction mechanism procurement process is planned to be used, then a pro forma agreement for that process should be included. Additionally, if any sales or other types of procurement is planned and needs a specific pro forma agreement (*e.g.*, short-term procurement), then a description of the bidding protocol should also be included.

All retail sellers should provide descriptions of any ongoing, planned, and proposed solicitation processes, including solicitation materials, retail sellers

³¹ Pub. Util. Code § 399.13(a)(8)(A) requires that in soliciting and procuring eligible renewable energy resources for California-based projects, each electrical corporation shall give preference to renewable energy projects that provide environmental and economic benefits to communities afflicted with poverty or high unemployment, or that suffer from high emission levels of toxic air contaminants, criteria air pollutants, and GHG.

should provide recent, current, and future solicitation materials to the Commission, including a link, if one exists, to the public website where public materials can be found for all relevant solicitations.

X.C. Least Cost Best Fit (LCBF) Criteria: The LCBF methodology used must be consistent with relevant Commission decisions.³² In particular, retail sellers shall include a detailed description of their bid evaluation methodologies and “best fit” attributes considered, pursuant to § 399.13(a)(9),³³ and how bids will be valued and evaluated based on their evaluation methodology. When evaluating bids in their solicitations, retail sellers should consider at a minimum the following attributes: energy and capacity value, congestion cost, locational preference, potential for curtailment, and operational flexibility and how bids will be valued and evaluated based on their evaluation methodology. Any qualitative measures in the LCBF methodology should also be described, both in terms of the criteria and application.³⁴ If the retail seller’s LCBF criteria does not

³² See D.04-07-029, Opinion Adopting Criteria for the Selection Least-Cost and Best-Fit Renewable Resources (July 8, 2004); D.11-04-030, Decision Conditionally Accepting 2011 Renewables Portfolio Standard Procurement Plans and Integrated Resource Plan Supplements (Apr. 14, 2011); D.12-11-016, Decision Conditionally Accepting 2012 Renewables Portfolio Standard Procurement Plans and Integrated Resource Plan Off-Year Supplement (Nov. 8, 2012); D.14-11-042, Decision Conditionally Accepting 2014 Renewables Portfolio Standard Procurement Plans and an Off-Year Supplement to 2013 Integrated Resource Plan (Nov. 20, 2014); D.16-12-044, Decision Accepting Draft 2016 Renewables Portfolio Standard Procurement Plans (Dec. 15, 2016).

³³ Pub. Util. Code § 399.13(a)(9) requires that in soliciting and procuring eligible renewable energy resources, each retail seller consider the best-fit attributes of resource types that ensure a balanced resource mix to maintain the reliability of the electrical grid.

³⁴ As noted in the November 9, 2018 Assigned Commissioner’s Scoping Memo and Ruling issued in R.18-07-003, the Commission is revising and updating the least-cost best-fit methodology for evaluating RPS-eligible procurement. Parties submitted comments on the staff paper on LCBF reform and further Commission action will follow. Thus, parties should limit comments on this Ruling to the particulars of proposed LCBF methodologies in 2021 RPS Procurement Plans in relation to the current rules.

include system reliability considerations then the retail seller's RPS Plan will be rejected.

5.11. RPS Plan Section XI: Safety Considerations

As stated in D.13-11-024, Ordering Paragraph 3, all entities filing RPS Plans must identify any safety consideration related to the information set forth in the Plans. The Commission directive was made pursuant to its authority under § 451, which provides, in pertinent part, as follows:

Every public utility shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities... as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public.

Retail sellers should describe business practices that demonstrate how their RPS Plans reflect safety considerations in RPS-eligible generation procurement through execution and negotiation of power purchase agreements and contract management and operation and maintenance of utility-owned generation.

For RPS compliance obligation through non-utility owned generation, retail sellers should describe if they incorporate safety provisions and standards in their contracts for the RPS eligible resources. For *example*, a description of any mandatory compliance requirements for the seller to follow prudent electrical practices, including all safety standards, safety requirements for plant visits by its employees, and requirements to comply with regional applicable laws and regulations relating to safety. Suppose other safety factors are considered in RPS procurement and planning efforts, such as future land use impacts due to climate change (*e.g.*, sea level rise), Public Safety Power Shut-off (PSPS) events, wildfire risk mitigation, or a combination of these approaches to overall system and public safety. In that case, retail sellers are encouraged to include them as well.

Regarding utility-owned generation, retail sellers should describe how they comply with applicable safety codes, including but not limited to the National Electric Safety Code, the Occupational Health and Safety Act, and any relevant state health and safety act requirements at generation facilities complying with California's RPS program.

This information will help the Commission assess a retail seller's safety culture and ensure that their deliverability of the renewable electricity follows safety considerations in a manner that is safe for customers and employees as required under § 451.

5.12. RPS Plan Section XII: Consideration of Price Adjustment Mechanisms - § 399.13(a)(6)(E)

§ 399.13(a)(6)(E) requires that the RPS procurement plans include consideration of mechanisms for price adjustments associated with the costs of key components for eligible renewable energy resource projects with online dates more than 24 months after the date of contract execution.

Pursuant to § 399.13(a)(6)(E), describe how price adjustments (*e.g.*, index to key components, index to Consumer Price Index, price adjustments based on exceeding transmission or other cost caps) will be considered and potentially incorporated into contracts for RPS-eligible projects with online dates occurring more than 24 months after the contract execution date. Retail sellers should discuss how any price adjustments will maximize value for ratepayers and minimize potential risks to ratepayers.

5.13. RPS Plan Section XIII: Curtailment Frequency, Cost, and Forecasting - § 399.13(a)(6)(B) and 399.15(b)(5)

In D.14-11-042, the Commission approved curtailment terms and conditions in PG&E's, SCE's, and SDG&E's pro forma contracts; required multiple bid variants related to economic curtailment; and directed reporting on

curtailment frequency, forecasting, and costs. As retail sellers become more numerous and diverse, and as the State moves towards the electricity sector becoming 100% carbon-free, all retail sellers need to report their unique experiences and issues related to economic curtailment, as well as any actions and analysis needed to forecast curtailment events. The Commission recognizes the inherent challenge of long-term forecasting of negative pricing events. Retail sellers should, however, provide strategies tailored to their portfolio and region to show how they are managing exposure to negative pricing events, overgeneration, economic curtailment, and implementation of best practices used by other retail sellers.³⁵

Given the increase in renewable development and curtailment on the system in recent years, retail sellers should provide information in their RPS Plans on the following topics as they relate to their current and future RPS procurement. Retail sellers should not simply outline general issues with curtailment but should explain how they are actively addressing challenges related to curtailment events and include information on:

1. Factors having the most impact on the projected increases in incidences of overgeneration and negative market price hours.
2. Written description of quantitative analysis of forecast of the number of hours per year of negative market pricing for the next 10 years.
3. Experience, to date, with managing exposure to negative market prices and or lessons learned from other retail sellers in California.

³⁵ D.21-01-005 identified that the draft 2020 RPS Plans of CleanPowerSF, Peninsula Clean Energy, and Sonoma Clean Power provided the best examples of robust assessments of curtailment frequency, cost, and forecasting (at 78).

4. Direct costs incurred, to date, for incidences of overgeneration and associated negative market prices.
5. Overall strategy for managing the overall cost impact of increasing incidences of overgeneration and negative market prices.

5.14. RPS Plan Section XIV: Cost Quantification

Pursuant to SB 836 (Padilla, Stat. 2011, ch. 600, § 1)³⁶ and SB 2 (1X), the Commission provides annual reports to the California Legislature that include aggregated cost data on all procurement contracts for eligible renewable energy resources approved by the Commission.³⁷ To support the Commission's reporting to the Legislature under §§ 913.3 and 913.4, PG&E, SCE, SDG&E, BVES, Liberty Utilities LLC, and PacifiCorp are required to include the information described in Table 2, below, in their proposed 2021 RPS Plans. For the Commission to have complete information for statewide electric procurement costs, CCAs and ESPs must also include this information in their 2021 RPS Plans.

While the Commission does not set rates for the CCAs and ESPs or approve their contracts, Pub. Util. Code § 399.12(j)(2) states that “[a] community choice aggregator shall participate in the renewables portfolio standard program subject to the same term and conditions applicable to an electrical corporation.” The same applies to ESPs pursuant to §§ 399.12(j)(3). Therefore, CCAs and ESPs should follow the same RPS planning requirements as Electrical Corporations. Further, the Commission uses cost data submitted in the RPS Plans to develop

³⁶ Adding § 911 to the Pub. Util. Code.

³⁷ The Padilla Report: Costs and Savings for the Renewables Portfolio Standard (pursuant to Public Utilities Code Section 913.3).

the annual RPS Costs and Cost Savings report.³⁸ This cost information is essential to understand the impact of retail seller procurement on the cost of renewables and renewable cost trends in California.

All retail sellers shall respond using the standardized Cost Quantification template and should indicate if they are awaiting contract approval either by the Commission or their local governments or executive boards as instructed in the template. Responses should be non-confidential to the greatest extent possible. All retail sellers should use the Cost Quantification template that is available on the CPUC's RPS Procurement website.³⁹

³⁸ Public Utilities Code Section 913.3 requires the CPUC to produce an annual RPS cost report to the legislature. The report is posted on the CPUC's RPS website:
https://www.cpuc.ca.gov/RPS_Reports_Data/

³⁹ The Cost Quantification template is posted on the CPUC's RPS website:
http://cpuc.ca.gov/Utility_Scale_RFO/

Table 2
RPS Procurement and Sales Information Related to Cost
Quantification

	Item	Description
1.	Actual Direct Expenditures and Revenue- per year	Total dollars expended and received for all Renewable Energy Credit (REC) ⁴⁰ transactions for every year from 2003 to the present year. Figures shall be reported by resource and technology type and reported for each year.
2.	Actual REC Procurement (MWh) - per year	Total REC procurement for every year from 2003 to the present year, including any REC sales. Amounts shall be reported by resource and technology types and reported for each year.
3.	Forecast Direct Expenditures and Revenue - per year	Total forecasted dollars expended and received for all REC transactions to date (and approved to date for the utilities). Forecasts Direct Expenditures shall be reported by resource and technology type and reported for each year from 2018-2030.
4.	Forecast REC Procurement (MWh) - per year	Total forecasted REC procurement to date (and approved to date for the utilities), including any planned REC sales. Forecasts shall be reported by resource and technology types and reported for each year.
5.	Incremental Utility Rate Impact - per year	Total actual and forecasted annual utility rate impacts from RPS procurement from 2003-2030.

5.15. RPS Plan Section XV: Conformance with the IRP Proceeding

The Integrated Resource Planning (IRP) proceeding (R.20-05-003) is the primary venue for implementing the SB 100 requirements related to resource

⁴⁰ For all information provided in response to Table 3, REC-only contracts should be listed separately.

planning for the electric sector. Commission Decision D.19-12-042 described the timeframe for aligning the RPS and IRP filings.⁴¹ Parties to the RPS proceeding were asked to comment on the September 18, 2020 ALJ's Ruling requesting comments on the Energy Division *Staff Proposal for Alignment and Integration of RPS Procurement Planning and Integrated Resource Planning*, and further progress on IRP-RPS alignment is expected in the RPS proceeding over the next 12 months. While the Commission is still considering RPS and IRP proceeding alignment proposal, we still expect consistent information on RPS planning across the respective proceedings.

Under this section, all retail sellers should explain in the table format below (Table 3) how the information in their 2021 RPS Plans due June 1, 2021, will align with information in their most recent IRP filings as required by D.20-03-028. We recognize that retail sellers may not have new information to add in their draft 2021 RPS Plans. However, if a retail seller plans to update its Resource Data Template (RDT) filed in R.20-05-003 later in 2021, then it must summarize the impacts of the updated RDT on unique RPS contracts and procurement in RPS Plan Section XV.⁴² Retail sellers should include information on, but not limited to, changes in contract status and projected online dates, if applicable. In summary, the retail seller's IRP process and reporting need to align with existing RPS obligations (e.g., renewable resource valuation and target setting).

⁴¹ D.19-12-042, Ordering Paragraph 22.

⁴² The monthly procurement data and unique contract data for RPS resources in retail sellers' RDTs should align with the RPS planning assumptions described in their 2021 RPS Plans. More information on the filing requirements in R.20-05-003 is available at: <https://www.cpuc.ca.gov/General.aspx?id=6442459770>.

All retail sellers should use Table 3 below to summarize how their 2021 RPS Plan and planned renewable procurement would conform with the determinations made in the IRP Proceeding, including the balanced and diverse set of resources identified in the most recent reference system portfolio adopted by the Commission.⁴³ Tables should provide concise narratives for the respective proceedings (IRP and RPS) to allow a direct comparison that the Commission can easily follow and determine consistency with adopted IRP optimal portfolios and planning assumptions.:

Table 3
Alignment of IRP and RPS Planning

IRP Section Subsection	RPS Alignment in IRPs
III. Study Results A. Conforming and Alternative Portfolios	Retail sellers should explain how the RPS resources they plan to procure, outlined in their RPS Plan, will align with each of their Conforming Portfolios being developed in their 2020 IRP Plans for Commission approval and certification. This explanation should include: <ol style="list-style-type: none"> 1. Existing RPS resources that the retail seller owns or contracts. 2. Existing RPS resources that the retail seller plans to contract with in the future. 3. New RPS resources that the retail seller plans to invest in.
IV. Action Plan A. Proposed Activities	Retail sellers should describe how they propose to use RPS resources to implement both Conforming Portfolios. Narratives should include: <ol style="list-style-type: none"> 1. Proposed RPS procurement activities as required by Commission decision or mandated procurement. 2. Procurement plans, potential barriers, and resource viability for each new RPS resource identified.

⁴³ See Decision D.20-03-028, which adopts an optimal reference system portfolio for the 2019-2021 IRP cycle.

IV. Action Plan B. Procurement Activities	The retail seller should describe the solicitation strategies for the RPS resources identified in both Conforming Portfolios. This description should include: 1. The type of solicitation. 2. The timeline for each solicitation. 3. Desired online dates. 4. Other relevant procurement planning information, such as solicitation goals and objectives.
IV. Action Plan C. Potential Barriers	Retail sellers should provide a summary of the potential barriers to implementing both Conforming Portfolios as they relate to RPS resources. The section should include: 1. Key market, regulatory, financial, or other resource viability barriers or risks associated with the RPS resources coming online in retail sellers' Preferred Portfolios. 2. Key risks associated with the potential retirement of existing RPS resources on which the retail seller intends to rely in the future.

All Retail sellers in the RPS proceeding are required to become parties to the IRP proceeding (R.20-05-003). We recommend that other RPS parties also become parties to R.20-05-003 (or subsequent proceeding) as some of the RPS/IRP coordination and alignment is likely to be initiated in that proceeding. Comments on this Ruling should be limited to the particulars of the RPS Procurement Plans.

5.16. Appendix A: Redlined Version of Draft 2021 RPS Plans Required

A "redlined" version of the 2021 RPS Plan that helps the Commission Staff to identify the changes from the 2020 RPS Plan must be included with the 2021 RPS Plans. All retail sellers must provide a redlined electronic copy for the Commission's Energy Division Staff and any party who requests a copy.

6. Just Energy Solutions and American PowerNet Management, LP: Requests for Provisional Waiver from Future RPS Compliance Requirements

Today's ruling grants, in part, the March 19, 2021 motion by Just Energy Solutions (Just Energy) entitled *Motion Of Just Energy Solutions Inc. For A Provisional Waiver From Future Renewables Portfolio Standard Compliance Requirements*.⁴⁴ We also grant a similar request by American PowerNet Management, LP (APN).⁴⁵ Our ruling only addresses the requests of Just Energy and APN as it applies to the annual procurement plans.

Just Energy states that it will no longer serve load after 2020 and accordingly has no plans to undertake any procurement, renewable or otherwise, in 2021 or beyond.⁴⁶ Just Energy seeks exemption from any requirement to submit future RPS procurement plans.⁴⁷

Similarly, APN states that after 2020, APN will no longer serve retail load in California and the Commission should exempt APN from any requirement to submit RPS procurement plans going forward.⁴⁸

Pursuant to guidance in D.13-11-024, we grant the motions. As long as Just Energy and APN do not serve retail load and remain registered ESPs, we will not require the filing of an annual procurement plan pursuant to § 399.13(a)(1) for these two entities. We do not address the applicability of any other compliance filing requirements to these two entities. This ruling only applies to Just Energy and APN, and other ESPs must file a motion to obtain similar relief.

⁴⁴ Just Energy Solutions March 19, 201 Motion.

⁴⁵ APN March 19, 2021 Motion at 1.

⁴⁶ See Just Energy Solutions' March 19, 2021 Motion.

⁴⁷ *Id.*

⁴⁸ See APN's March 19, 2021 Motion at 1.

To further reduce administrative burdens, we encourage ESPs to consider seeking permission to withdraw their registration if they have no near-term plans to serve load.

7. Resources for RPS Plans

The Commission staff has compiled a list of resources on the CPUC's website for reference in developing RPS Plans. Staff encourages retail sellers to review the resources posted on the CPUC's RPS Procurement webpages, which include this Ruling, the templates required for submission, and a Frequently Asked Questions (FAQ) for RPS Plan submissions.⁴⁹

8. Requirements for Document Filings and Data Submissions

This proceeding will follow the electronic service protocol set forth in Rule 1.10. All parties to this proceeding shall serve documents and pleadings using electronic mail, whenever possible, transmitted no later than 5:00 p.m., on the date scheduled for service to occur. Although Rule 1.10 requires service on the ALJ of both an electronic and a paper copy of filed or served documents, parties are directed to only serve ALJs Sisto and Lakhanpal electronically in this proceeding.

All retail sellers must submit the native file versions of the required Microsoft Excel spreadsheets for the Renewable Net Short calculations, Project Development Status Update, and Cost Quantification to Energy Division staff through the CPUC's Secure File Transfer Protocol (FTP). This submission is in addition to including the required data in the retail sellers' RPS Plan.

⁴⁹ The CPUC RPS Procurement website is located here:
https://www.cpuc.ca.gov/utility_Scale_RFO/

To access the FTP site, retail sellers should create an account on the FTP website: <https://kwftp.cpuc.ca.gov/> to do so. Retail sellers must use the CPUC's secure FTP to send all Microsoft Excel spreadsheets to rpscompliance@cpuc.ca.gov.

9. Submission of Information with Claim of Confidentiality

The information in the RPS Plans should be non-confidential, to the greatest extent possible. If there is a request for confidential treatment of information, this Ruling affirms that procedures outlined in D.06-06-066⁵⁰ that are applicable when ESPs or IOUs request confidential treatment of information are also relevant to CCAs. Specifically, unless expressly directed by another ruling or Commission decision, CCAs should use the procedures outlined in D.06-06-066 when requesting confidential treatment of information, including using the ESP Matrix. Provided that the requesting CCA meets the requirements of D.06-06-066, the information shall be entitled to the same confidentiality protections that would apply to an ESP. In addition to following CPUC filing requirements, retail sellers are directed to use the CPUC's secure File Transfer Protocol (FTP) to send Energy Division unredacted copies of all RPS Plan documents, including Microsoft Excel spreadsheets, to rpscompliance@cpuc.ca.gov.

10. Schedule

Parties may file comments and reply comments in response to this Ruling, and the RPS Plans per the schedule outlined in Attachment A.

⁵⁰ D.06-06-066 was modified by D.07-05-032 and D.08-04-023. The references to D.06-06-066 here include the modifications made by D.07-05-032 and D.08-04-023.

After reviewing the record in the proceeding, the Commission will accept, modify, or reject each plan or Supplement as required by §§ 399.13(a)(1) and (c).

11. *Ex Parte* Communications

Ex parte communications are permitted as described in Pub. Util. Code §§ 1701.1 and 1701.3. Parties and interested persons are advised that, to the extent that the requirements of Rule 8.1 *et seq.* deviate from Pub. Util. Code §§ 1701.1 and 1701.3, as amended by SB 215, effective 1/1/2017, the statutory provisions govern.

In a ratesetting proceeding involving hearings, *ex parte* communications are permitted only if consistent with certain restrictions and are subject to reporting requirements. (See Pub. Util. Code § 1701.3(c) and Rules 8.2, 8.3, and 8.5.) Parties must electronically serve the assigned Commissioner and the ALJ all three-day notices required by Rule 8.2(c)(2) for all *ex parte* meetings with decision-makers.

IT IS RULED that:

1. As required by Section 399.13(a)(6) of the Public Utilities (Pub. Util.) Code, Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company shall each file, by June 1, 2021, a proposed 2021 Renewables Portfolio Standard (RPS) Procurement Plan that addresses the elements stated herein.

2. As required by Section 399.13(a)(6) of the Pub. Util. Code, Bear Valley Electric Service Company, and Liberty Utilities LLC shall file, by June 1, 2021, a proposed 2021 RPS Procurement Plan that addresses the elements stated herein.

3. As required by Section 399.17(d) of the Pub. Util. Code, PacifiCorp Company may use its Integrated Resource Plan (IRP) supplement to satisfy the requirement to prepare a renewable energy procurement plan. PacifiCorp shall

file, by June 1, 2021, its 2021 IRP supplement in Rulemaking 18-07-003 or its successor proceeding.

4. As required by Sections 399.13(a)(6) and 399.12(j)(2) of the Pub. Util. Code, each Community Choice Aggregator, shall file, by June 1, 2021, a proposed 2021 RPS Procurement Plans to address the elements stated herein.

5. As required by Sections 399.13(a)(6) and 399.12(j)(3) of the Pub. Util. Code, each Electric Service Provider shall file a proposed 2021 RPS Standard Procurement Plan to address the elements stated herein.

6. The procedural schedule for the Commission's consideration of the 2021 RPS Procurement Plans and Supplement is outlined in Attachment A. This schedule may be adjusted as needed by the assigned Commissioner or Administrative Law Judge.

7. All retail sellers shall include an officer verified checklist using the uniform template in Attachment B, which is also the template that should be used to draft their 2021 RPS Procurement Plans, responding to all sections unless otherwise noted on the template in Table 1 of this Ruling.

8. Retail sellers, identified in Appendix C and D, that decertify in 2021 before the proposed decision is published shall file a motion for exemption from filing final RPS Plans and future filings in the proceeding informing the Commission on their future RPS procurement plans and their RPS Compliance Report status.

9. Just Energy Solutions and America PowerNet Management, LP are not required to file an annual procurement plan pursuant to § 399.13(a)(1) until retail load is served.

Dated March 30, 2021, at San Francisco, California.

/s/ CLIFFORD RECHTSCHAFFEN

Clifford Rechtschaffen
Assigned Commissioner

/s/ MANISHA LAKHANPAL

Manisha Lakhanpal
Administrative Law Judge

/s/ CAROLYN SISTO

Carolyn Sisto
Administrative Law Judge

Attachment A

**Procedural Schedule
2021 Renewables Portfolio Standard
Procurement Plans**

Process Details	DATE
Assigned Commissioner's Ruling setting scope and schedule for annual RPS Procurement Plans	3/30/21
IOUs, Small Utilities, ESPs and CCAs file draft annual RPS Procurement Plans	6/1/21
Motions requesting an evidentiary hearing (note: If a motion is filed and granted, the ALJ may need to issue a revised schedule.)	7/1/21
Comments on RPS Procurement Plans	7/1/21
Motion to update RPS Procurement Plans [note 1 below]	7/15/21
Proposed Decision	Fourth Quarter 2021
Commission vote on Proposed Decision	Fourth Quarter 2021
IOUs, Small Utilities, ESPs and CCAs file final annual RPS Procurement Plans	30 days from the effective date of Adopting the Final Decision
IOUs issue Request for Offers for Solicitations or otherwise pursue approved RPS Procurement Plan	14 days after Final RPS Plan filings, unless extended by Energy Division

Note 1: Updates are not intended to alter the form and format of the Plan but may be appropriate for limited elements based on changed circumstances or recent information (e.g., new legislation, recent Commission decision, new regulation of the California Independent System Operator, harmonization of definitions within contract for specific terms).

(END OF ATTACHMENT A)

Attachment B

2021 RPS Procurement Plan Checklist and RPS Plan Template

The Checklist must be filed with the RPS Procurement Plan and include verification.

2021 RPS Procurement Plan Checklist- Task Completed

Retail seller name:	YES/ NO	NOTES
I. Major Changes to RPS Plan		
II. Executive Summary		
III. Summary of Legislation Compliance		
IV. Assessment of RPS Portfolio Supplies and Demand		
IV.A Portfolio Supply and Demand		
IV.A.1 Portfolio Optimization		
IV.B Responsiveness to Local and Regional Policies		
IV.B.1 Long-term Procurement		
IV.C. Portfolio Diversity and Reliability		
IV.D Lessons Learned		
V. Project Development Status Update		
VI. Potential Compliance Delays		
VII. Risk Assessment		
VIII. Renewable Net Short Calculation		
IX. Minimum Margin of Procurement (MMoP)		
IX.A MMoP Methodology and Inputs		
IX.B MMoP Scenarios		
X. Bid Solicitation Protocol		
X.A Solicitation Protocols for Renewables Sales		
X.B Bid Selection Protocols		
X.C LCBF Criteria		
XI. Safety Considerations		
XII. Consideration of Price Adjustments Mechanisms		
XIII. Curtailment Frequency, Forecasting, Costs		
XIV. Cost Quantification		
XV. Coordination with the IRP Proceeding		
Appendix A: Redlined Version of the Draft 2021 RPS Plan		

Officer Verification

I am an officer of the reporting organization herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true. The spreadsheet templates used within this filing have not been altered from the version issued or approved by Energy Division.

Executed on [insert date] at [insert City and State].

[Insert Electronic version of Signature]

[Insert Name, Title, Organization and Contact Information]

(END OF ATTACHMENT B)

Attachment C

List of Registered ESPs Required to File 2021 RPS Procurement Plans as of the Date of This Ruling

1. 3 Phases Renewables, Inc.
2. American PowerNet Management, LP
3. Calpine Energy Solutions, LLC
4. Calpine PowerAmerica-CA, LLC
5. Commercial Energy of Montana, Inc. (dba Commercial Energy of California)
6. Constellation NewEnergy, Inc.
7. Direct Energy Business
8. EDF Industrial Power Services (CA), LLC
9. EnerCal USA, LLC (dba Yep Energy, Y.E.P.)*
10. Gexa Energy California, LLC*
11. Just Energy Solutions, Inc.
12. Liberty Power Delaware, LLC*
13. Liberty Power Holdings, LLC *
14. Mansfield Power and Gas, LLC*
15. Palmco Power CA, LLC*
16. Pilot Power Group, Inc.
17. Praxair Plainfield, Inc.*
18. Shell Energy North America (US), LP
19. Tenaska Power Services Co.*
20. Tenaska California Energy Marketing*
21. The Regents of the University of California
22. Tiger Natural Gas, Inc.*

* The Commission determined in D.13-11-024, D.17-12-007, D.19-02-007, D.19-07-007, and D.19-12-042 that EnerCal USA, LLC, Liberty Power Delaware, LLC, Praxair Plainfield, Inc., Palmco Power CA, Liberty Power Holdings, LLC, Mansfield Power and Gas, Tiger Natural Gas, and Tenaska Power, Tenaska California Energy Marketing, and Gexa Energy California, do not need to file RPS Procurement Plans if they continue not serving any retail customers. If any of the ESPs begins to serve retail customers in the future, it must immediately file an RPS Procurement Plan. The Commission determined in D.19-02-007 that new

ESPs must file their RPS plans upon registering with the Commission or 90 days prior to delivering load, whichever event occurs first.

(END OF ATTACHMENT C)

Attachment D

**List of Active CCAs Required to File 2021 Procurement Plans as of the Date of
this Ruling**

1. Apple Valley Choice Energy
2. Central Coast Community Energy
3. City of Baldwin Park
4. City of Commerce
5. City of Montebello
6. City of Palmdale
7. City of Pomona
8. City of Santa Barbara
9. Clean Energy Alliance
10. Clean Power Alliance of Southern California
11. CleanPowerSF
12. Desert Community Energy
13. East Bay Community Energy
14. King City Community Power
15. Lancaster Choice Energy
16. Marin Clean Energy
17. Orange County Power Authority
18. Peninsula Clean Energy
19. Pico Rivera Innovative Municipal Energy
20. Pioneer Community Energy
21. Rancho Mirage Energy Authority
22. Redwood Coast Energy Authority
23. San Diego Community Power
24. San Jacinto Power
25. San Jose Clean Energy
26. Silicon Valley Clean Energy
27. Solana Energy Alliance
28. Sonoma Clean Power Authority
29. Valley Clean Energy Alliance
30. Western Community Energy

* The Commission determined in D.17-12-007 that new CCAs must file their RPS plans upon registering with the Commission or 90 days prior to delivering load, whichever event occurs first.

(END OF ATTACHMENT D)